

DOCKET NO. 2005-20<sup>21</sup>

IN THE MATTER OF § TEXAS STATE BOARD OF  
THE LICENSE OF §  
JEANNE CHUCLE, D.V.M. § VETERINARY MEDICAL EXAMINERS

On this the 17<sup>th</sup> day of February, 2005, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of JEANNE CHUCLE, D.V.M. ("Respondent") Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on December 10, 2004. The Respondent appeared without counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

1. Greg and Patricia Smith, Houston, Texas, discovered on July 26, 2003, that their dog "Bailey" had not eaten for two days. The next day, the Smiths found two dead squirrels on their property. Upon investigation, they found out that their neighbor had put out poison along the property line to kill rats. On July 28<sup>th</sup>, they discovered a yellow colored clump on their deck which the neighbor identified as the rat poison. That night, Ms. Smith saw "Bailey" eating a chunk of the poison, which she retrieved from the dog's mouth and put in a bag with the previously found poison.

2. On the morning of July 29<sup>th</sup>, Ms. Smith took "Bailey" and her other dog "Jet" to the Wesleyan Animal Clinic, Houston, Texas, but did not see the veterinarian on duty, Jeanne Chucle, D.V.M. No blood work was done. Ms. Smith returned home with the dogs. That evening, "Bailey's" breathing was loud, rapid, and shallow. Early on July 30<sup>th</sup>, Ms. Smith noticed that the dog had not eaten his food and he was unable to stand. She immediately took the dog back to the Wesleyan Clinic and carried him inside.

3. Dr. Chucle examined "Bailey." A blood test showed blood clotting in just over three minutes, which Dr. Chucle said was acceptable. Dr. Chucle's patient records for July 30<sup>th</sup> state: "Got into rat poison." No vitamin K was administered on that day. Dr. Chucle decided to keep "Bailey" at the clinic for observation. When Ms. Smith called the clinic several hours later, Dr. Chucle told her that the dog's reported symptoms probably did not indicate rat poisoning. Additional blood work did not suggest poisoning, according to Dr. Chucle. Although "Bailey" was still not eating, Ms. Smith declined hospitalization and Dr. Chucle sent the dog home with instructions to bring him back to the clinic if he did not get better. During the night, the dog would still not eat but showed some signs of improvement.

4. Early on July 31<sup>st</sup>, "Bailey" took a turn for the worse. Ms. Smith again presented the dog to the clinic, but Dr. Chucle was off duty. Upon Ms. Smith's request, the technicians took an x-ray, but since the x-ray machine was not operating properly, the staff told Ms. Smith that the x-rays would have to be sent off to a specialist for development and interpretation. Additional blood work revealed a HCT level of 26.2 percent, down significantly from a level of 44 percent on July 30<sup>th</sup>. Ms. Smith took the dog home. She returned him to the clinic for another x-ray when Dr. Chucle was returning to the clinic. Dr. Chucle decided to send the x-ray off for interpretation, gave the dog a vitamin K injection, and released the dog when Ms. Smith declined to leave him at the clinic. During the day, Ms. Smith checked with the clinic on the x-ray results, but was told that Dr. Chucle must review the returned films first.

5. Ms. Smith went home from work about 2:30 p.m. to check on "Bailey." She found that he had vomited and urinated on the floor, and she noticed that the dog's neck was severely swollen. She took the dog back to the clinic but Dr. Chucle was not in. The technician took some fluid from the dog's neck and said it was blood. The technician told Ms. Smith that the x-rays confirmed rat poisoning. Dr. Chucle was contacted by phone and told the technician to give "Bailey" a dose of vitamin K1. Dr. Chucle arrived at the clinic to confirm the diagnosis of poisoning. Dr. Chucle told the Smiths to take the dog home and continue the vitamin K1 treatments.

6. Upon arriving home with "Bailey," the Smiths observed that the dog apparently wanted to drink water, but seemed unable to. Concerned that they would be unable to feed the dog his medication, the Smiths called Houston Veterinary Services, Inc.'s emergency care facility and were told to bring the dog in at once. Loy Spargo, D.V.M., examined "Bailey" and reported that he feared imminent cardiac arrest. After a few minutes, and before a decision could be made on euthanasia or resuscitation, "Bailey" died. Dr. Spargo tested the dog's blood and told the Smiths that a three minute coagulation time was twice as long as it should be in a healthy dog, contrary to

Dr. Chucle's statements. He said that possible poisoning should be treated proactively. He urged the Smiths to immediately start vitamin K therapy on their other dog "Jet" who was not showing symptoms at the time. On August 1<sup>st</sup>, Ms. Smith returned to the Wesleyan Clinic to talk to Dr. Chucle about the situation. Ms. Smith asked for the x-rays and the poison sample, but the staff was unable to produce them.

7. Based on the information available to her on July 30, 2003, as stated in Finding of Fact 3, Dr. Chucle should have immediately started the patient and the client's other dog on vitamin K1 and continued the therapy. Information on clotting times given to the client were incorrect. The sudden decline in HCT, indicating a possible bleeding event, should have been investigated. Based on these deficiencies, Dr. Chucle's actions and/or inactions do not represent the same degree of humane care, skill, and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Houston, Texas, or similar communities.

### **Conclusions of Law**

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Based on Findings of Fact 3 through 7, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board's Rules of Professional Conduct, which requires veterinarians to exercise the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

3. Based on Finding of Fact 3 through 7 and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder

is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose a civil penalty.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that JEANNE CHUCLE, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay a CIVIL PENALTY of FIVE HUNDRED DOLLARS (\$500.00), payable within 45 days of the date of this Order. If Respondent fails to pay the civil penalty within 45 days of the date of this Order, Respondent's license shall be suspended until the civil penalty is paid.

The Board further ORDERS that:

- 1 Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she is represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED

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ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, **JEANNE CHUCLE**, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

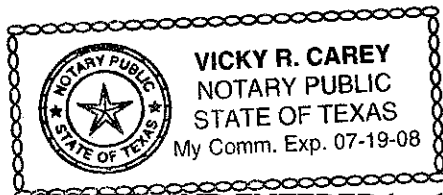
Jeanne Chucle DVM  
Jeanne Chucle, D.V.M.

1/27/2005  
Date

STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, on this day, personally appeared JEANNE CHUCLE, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 27<sup>th</sup> day of JANUARY, 2005.



[Signature]  
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17th day of February, 2005.

Gary C. Brantley DVM  
Gary C. Brantley, D.V.M., President